UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/587,892	06/06/2000	Ramesh Nagarajan	12	8023

7590	07/15/2004	

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EXAMINER
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ART UNIT	PAPER NUMBER
2665	

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _03 May 2004_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-19_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-19_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
    1.☐ Certified copies of the priority documents have been received.
    2.☐ Certified copies of the priority documents have been received in Application No. _____.
    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
    application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
37 CFR 1.78.
    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _4,5_.

4) ☐ Interview Summary (PTO-413) Paper No(s). _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1-7, 10-16 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by

Russ et al (US 5,781,535).

For claim 1, Russ et al disclose implementation protocol for SHN-based algorithm

restoration platform, the method comprising the steps of:

routing a given traffic demand from a first network element (figure 8, reference NODE 4,

col. 9 lines 62-64) to a second network element (figure 8, reference NODE 2) (col. 10 lines 4-6);

and

processing the traffic demand in the second network element (figure 8, reference NODE

2) such that a copy of a signal associated with the demand is at least one of: (i) retained at the

second network element (reference NODE 2, col. 10 lines 29-30), while the signal is routed to at

least one additional network element (col. 10 lines 4-5); and (ii) routed to at least one additional

network element, while the signal is routed to at least one network element other than the

additional network element (col. 10 lines 4-5).

For claim 2, Russ et al disclose wherein the first network element (figure 8, reference

NODE 4) comprises a source network element of the traffic demand (col. 9 lines 62-64).

For claim 3, Russ et al disclose wherein the second network element (figure 8, reference NODE 2, comprises an element of a ring-type transport (col. 1 lines 54-55).

For claim 4, Russ et al disclose wherein the second network element (figure 8, reference NODE 2) comprises an element of a mesh-type transport (col. 1 line 60).

For claim 5, Russ et al disclose wherein the copy of the signal associated with the demand is generated and retained at the second network element (reference NODE 2, col. 10 lines 29-30), and the signal continues on to another network element (col. 10 lines 4-5).

For claim 6, Russ et al disclose wherein a copy of the signal is generated at each of a set of multiple network elements including the second network element (col. 10 lines 4-5 and col. 10 lines 29-30).

For claim 7, Russ et al disclose wherein the copy of the signal associated with the demand (col. 10 lines 29-30) comprises at least a portion of a multicast of the signal generated by the second network element (reference NODE 2) and multicast to at least two other network elements (figure 8, col. 10 lines 8-12).

For claim 10, Russ et al disclose implementation protocol for SHN-based algorithm restoration platform, the apparatus comprising:

a given network element (figure 8, reference NODE 2) coupled to one or more additional network elements (figure 8, references NODE 1, 3, 4, 5 and 6) and operative to process a traffic demand received from one of the additional network elements (figure 8, reference NODE 4) such that a copy of a signal associated with the demand is at least one of: (i) retained at the given network element (col. 10 lines 29-30), while the signal is routed to at least one of the additional network elements (col. 10 lines 4-5); and (ii) routed to at least one of the additional network

elements, while the signal is routed to at least one network element other than the one of the

additional network elements (figure 8, col. 10 lines 4-5).

For claim 11, Russ et al disclose wherein the traffic demand is received at the given

network element (reference NODE 2) from a source network element of the traffic demand

(figure 8, reference NODE 4) (col. 9 lines 62-64).

For claim 12, Russ et al disclose wherein the given network element comprises an

element of a ring-type transport (col. 1 lines 54-55).

For claim 13, Russ et al disclose further wherein the given network element comprises an

element of a mesh-type transport (col. 1 line 60).

For claim 14, Russ et al disclose wherein the copy of the signal associated with the

demand is generated and retained at the given network element (reference NODE 2, col. 10 lines

29-30) and the signal continues on to another network element (col. 10 lines 4-5).

For claim 15, Russ et al disclose wherein a copy of the signal is generated at each of a set

of multiple network elements including the given network element (col. 10 lines 4-5 and col. 10

lines 29-30).

For claim 16, Russ et al disclose wherein the copy of the signal associated with the

demand (col. 10 lines 29-30) comprises at least a portion of a multicast of the signal generated by

the given network element and multicast to at least two other network elements (figure 8, col. 10

lines 8-12).

For claim 19, Russ et al disclose implementation protocol for SHN-based algorithm

restoration platform, the apparatus comprising:

a first network element (figure 8, reference NODE 4, col. 9 line 62) ; and

a second network element (figure 8, reference NODE 2) coupled to the first network

element (figure 8, reference NODE 4), the first network element (reference NODE 4) routing a

given traffic demand to the second network element (reference NODE 2)(col. 9 lines 62-64 and

col. 10 lines 4-5), the second network element (figure 8, reference NODE 2) processing the

traffic demand such that a copy of a signal associated with the demand is at least one of (i)

retained at the second network element (reference NODE 2, col. 10 lines 29-30), while the signal

is routed to at least one additional network element (col. 10 lines 4-5); and (ii) routed to at least

one additional network element, while the signal is routed to at least one network element other

than the additional network element (col. 10 lines 4-5).

3.   Claims 8-9 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Russ et al (US 5,781,535) in view of Byrne (US 6,229,787 B1).

For claims 8-9, 17 and 18, Russ et al do not disclose wherein the second network element

is an element of a set of dual homed network elements. In an analogous art, Byrne discloses

wherein the second network element is an element of a set of dual homed network elements

(figure 4, col. 4 lines 60-63). Byrne discloses further wherein the at least one additional network

element is an element of a set of dual-homed network elements (col. 4 lines 60-63 as set forth in

claim 9); wherein the given network element is an element of a set of dual-homed network

elements (col. 4 lines 60-63 as set forth in claim 17); and wherein at least one of the additional

network elements is an element of a set of dual-homed network elements (col. 4 lines 60-63 as

set forth in claim 18).

One skilled in the art would have recognized the second network element is an element of

a set of dual homed network elements to use the teachings of Byrne in the system of Russ et al.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention, to use the second network element is an element of a set of dual homed network

elements as taught by Byrne in Russ et al's system with the motivation being to provide two

physical connections for switch/router (col. 4 lines 52-54).

Response to Arguments

4.   Applicant's arguments with respect to claims 1-19 have been considered but are moot in

view of the new ground(s) of rejection.

Contact Information

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Toan D Nguyen whose telephone number is 703-305-0140. The

examiner can normally be reached on Monday- Friday (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Mr. Huy Vu can be reached on 703-308-6602. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-305-9600.

TN

HUY D. VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600